REMARKS

The Office Action dated August 27, 2003 has been received and carefully noted. The following remarks, are submitted as a full and complete response thereto. Claim 1-40 are pending in the above-cited application and have been examined. Claims 1-40 are again submitted for consideration.

Claims 1-14 and 21-40 were rejected under 35 U.S.C. §102(b) as being anticipated by *Kristol et al.* (U.S. Patent No. 5,541,927). Claims 15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kristol et al.* in view of *Fujino et al.* (U.S. Patent No. 5,651,006). The above rejections are respectfully traversed based on the remarks that follow.

The present invention is directed to, according to claim 1, a network hub in a communication network comprising a server, the server pushing status information to a client. In addition, the present invention is also directed to, according to claim 21, a communication apparatus having a network information table storing network information from the network information receiver and a network information transmitter selectively push transmitting the network information in the network information table. Also, the present invention is directed to, according to claim 31, a communication apparatus having a network information receiver, operably coupled with a communication network, for receiving network information, a network information table for storing network information from the network information receiver, a network operations detector detecting the networking information and producing operational

information of an operational state of the network and a network information transmitter, for transmitting the operational information of an operational state of the network.

In each of the independent claims 1, 21 and 31, a server pushing status information to a client, a network information transmitter selectively push transmitting the network information or transmitting the operational information of an operational state of the network is disclosed. In each, it can be seen that status or operational state information is "pushed" from the hub or central server to the client nodes of the network. This is discussed in greater detail in the specification at page 5, lines 21-29, push technology is defined as being a structure where "a server, or data source, transmits information to a client, or data recipient, *without a specific request for that information from the client.*" (emphasis added).

The above discussion must be contrasted with the disclosure of *Kristol et al.* The methods disclosed are used to transmit information from a source to each destination in a set of destinations along a global multicast tree. *Kristol et al.* is specifically directed to reduce "the acknowledgement implosion problem by limiting or consolidating status and acknowledgement information *from* the destinations." (column 2, lines 40-42, emphasis added). No where in *Kristol et al.* is any equivalent of push transmitting of status information discussed.

As illustrated in Fig. 5 of *Kristol et al.*, the source S multicasts packets to all destinations and each designated destination sends its status to S so that S may re-multicast a packet to those destinations that did not receive the packet. Thus, the flow of

status information is always to the source and *Kristol et al.* does not teach or suggest a server pushing status information to a client, a network information transmitter selectively push transmitting the network information or transmitting the operational information of an operational state of the network. As such, Applicants respectfully asserts that the rejection of claims 1, 21 and 31 are improper for failing to teach or suggest all of the elements of those claims. Likewise, claims 2-20, 22-30 and 32-40 should be allowed for at least their dependence on the independent claims.

In addition, the Office indicates that *Kristol et al.* teaches that a server can unicast, transmit, broadcast or multicast information, but Applicants respectfully assert that none of that information disclosed in *Kristol et al.* is status or operational state information. In all instances in *Kristol et al.*, the information packets sent out are data packets and not status information. For this additional reason, Applicants respectfully assert that the rejection of claims 2-5 is improper and should be withdrawn.

With respect to the rejection of claim 6, the Office makes reference to column 3, lines 38-42 of *Kristol et al.*, where that section discloses that entities or active elements in each layer may be software or hardware entities, or some combination thereof. However, nothing in that section teaches or suggest that the hub may be devoid of a microprocessor. For this additional reason, Applicants respectfully assert that the rejection of claim 6 is improper and should be withdrawn.

In addition, the Office rejects claims 9 and 10 and indicates that *Kristol et al.* discloses a push transmission field. That section of the Office Action does identify a

packet format, but nowhere in that packet format is a push transmission field disclosed. Additionally, the Office does not indicate what portion of the packet format that the Office considers to be equivalent of a push transmission field or would render such a push transmission field to be obvious in view of. For this additional reason, Applicants respectfully assert that the rejection of claim 9 and 10 is improper and should be withdrawn.

Applicants also note that the Office Action alleges that the rejection of claims 31-40 are "rejected for the same reasons set forth to [sic] rejecting claims 21-30 above." This appears to be clearly improper, given that base claims 31 and 21 recite different elements and the rejection of one such set of claims cannot be made in view of claims that recite different subject matter. Specifically, claim 31 recites, in part "a network operations detector detecting the networking information and producing operational information of an operational state of the network," where no such element is recited in claim 21. Additionally, *Kristol et al.* fails to teach or suggest such a network operations detector and there is suggest to modify *Kristol et al.* to include such a network operations detector. For this additional reason Applicants respectfully assert that the rejection of claims 31-40 is improper and should be withdrawn.

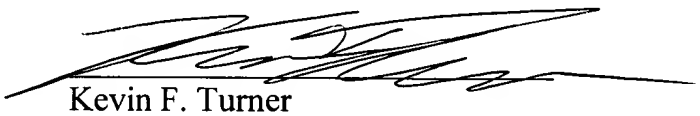
Additionally, with respect to the rejection of claims 15-20, the Office acknowledges the deficiencies of *Kristol et al.* and also cites *Fujino et al.* in an effort to cure those deficiencies. However, even if *Fujino et al.* were accepted to teach what the Office has alleged that it teaches, *Fujino et al.* does not teach the elements of claim 1 that

are not taught or suggested by *Kristol et al.* Since claims 15-20 ultimately depend from claim 1, Applicants respectfully assert that the combination of *Kristol et al.* and *Fujino et al.* cannot teach or suggest all of the elements of claims 15-20.

Applicants respectfully request the allowance of claims 1-40 and respectfully request that the application be allowed to issue. If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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